

BEFORE THE TENNESSEE WATER QUALITY CONTROL BOARD

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SECRETARY OF STATE

IN THE MATTER OF:)	DIVISION OF WATER
)	POLLUTION CONTROL
)	
)	
TREW INDUSTRIAL WHEELS, INC.)	CASE NO. WPC07-0160
)	
)	
RESPONDENT)	DOCKET NO. 04.30-097308A

AGREED ORDER

This matter came to be heard before the Tennessee Water Quality Control Board upon the Director's Order and Assessment of Civil Penalty, and the Respondent's Petition to Appeal. The Board, a quorum present, hereby adopts the following Findings of Fact, Conclusions of Law, Order and Assessments to which the parties have agreed, as evidenced by the signatures below.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The facts and violations set out in Paragraphs I. through XI. of Director's Order number WPC07-0160, issued August 3, 2007, are agreed to and admitted by Respondent. These Sections are adopted by the Board and incorporated herein by reference.

ORDER

WHEREFORE, PREMISES CONSIDERED, the Board hereby ORDERS that:

1. As soon as possible, but not later than 30 days of receipt of this Order, the Respondent shall develop and implement Storm Water Pollution Prevention Plan (SWPPP) and appropriate Best Management Practices (BMPs) to assure compliance with terms and conditions of the permit.
2. A copy of the SWPPP and written and photographic documentation that BMPs have been implemented is to be sent by the Respondent within 60 days of receipt of this Order to the Water Pollution Control manager of the Nashville Environmental Field Office (NEFO), at 711 R.S. Gass Boulevard, Nashville, Tennessee 37243.
3. The Respondent shall update the SWPPP for this site as necessary and maintain the updated SWPPP on site and readily available for viewing.
4. The Respondent is hereby assessed a CIVIL PENALTY in the amount of NINE THOUSAND EIGHT HUNDRED SEVENTY FIVE DOLLARS (\$9,875.00).
 - a. The Respondent shall pay ONE THOUSAND EIGHT HUNDRED SEVENTY FIVE DOLLARS (\$1,875.00) to the division within THIRTY (30) DAYS of receipt of this Order.
 - b. The Respondent shall pay THREE THOUSAND DOLLARS (\$3,000.00) to the division within THIRTY (30) DAYS of default, if, and only if, the Respondent fails to comply with Item 1 above in a timely manner.

- c. The Respondent shall pay THREE THOUSAND DOLLARS (\$3,000.00) to the division within THIRTY (30) DAYS of default, if, and only if, the Respondent fails to comply with Item 2 above in a timely manner.
 - d. The Respondent shall pay TWO THOUSAND DOLLARS (\$2,000.00) to the division within THIRTY (30) DAYS of default, if, and only if, the Respondent fails to comply with Item 3 above in a timely manner.
5. The Respondent is hereby assessed DAMAGES in the amount of FIVE HUNDRED ELEVEN DOLLARS AND THIRTY FIVE CENTS (\$511.35) payable within THIRTY (30) DAYS of receipt of this Order and Assessment.
6. The Respondent shall otherwise conduct business in accordance with the Act and rules promulgated pursuant to the Act.
7. In entering into this Agreed Order, the Respondent has knowingly waived his right to a hearing pursuant to T.C.A. §69-3-155 and any appeal therefrom.

REASONS FOR DECISIONS

The Board approves this Agreed Order because it is a fair and reasonable settlement of the matter. The Board also approves of settlements in that they conserve the resources of the Department and the Board.

A copy of this Agreed Order shall be served upon the Respondent by certified mail, return receipt requested. This final decision and order shall become effective upon entry.


FOR THE TENNESSEE WATER QUALITY CONTROL BOARD:


Chair

APPROVED FOR ENTRY:



Devin M. Wells, BPR #021059
Tennessee Department of Environment & Conservation
Office of General Counsel
20th Floor, L & C Tower
401 Church Street
Nashville, TN 37243-1548
(615) 532-0131

 PRESIDENT 11-28-2007
Respondent TREW INDUSTRIAL WHEELS, INC.

RIGHTS OF APPEAL

The Respondent is hereby notified and advised of the right to administrative and judicial review of this FINAL DECISION AND ORDER pursuant to the Tennessee Uniform Administrative Procedures Act, T.C.A. §§ 4-5-316, 4-5-317 and 4-5-322 and the Water Quality Control Act, T.C.A. §§ 69-3-111 and 69-3-115.

T.C.A. § 4-5-316 gives a party the right to submit to the Board a Petition for Stay of Effectiveness of a Final Order within seven (7) days after its entry.

T.C.A. § 4-5-317 gives any party the right to file a Petition for Reconsideration within ten (10) days after the entry of a Final Order, stating specific grounds upon which relief is requested.

T.C.A. § 4-5-322 and 69-3-111 provide the right of judicial review by filing a Petition in the Chancery Court of Davidson County within sixty (60) days of entry of this Order.

Entered in the Office of the Secretary of State, Administrative Procedures Division, this 30th day of January, 2008.

Thomas G. Stovall

Thomas G. Stovall, Director
Administrative Procedures Division